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May 20, 2014

VIA MESSENGER

Jeff S. Jordan  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

Re: MUR 6796

Dear Mr. Jordan:

We write as counsel to Alex Sink for Congress (the "Committee") and Jennifer May, Treasurer (collectively, "Respondents") in response to a complaint filed with the Federal Election Commission (the "FEC" or "Commission") by the Congressional Leadership Fund on March 13, 2014 (the "Complaint"). The Complaint incorrectly alleges that Respondents engaged in prohibited coordination with House Majority PAC ("HMP") and the Largo/Mid-Pinellas Democratic Club (the "Club") in connection with an independent expenditure paid for by HMP.

The Commission's coordination standard only applies to a communication that is coordinated with "a candidate, an authorized committee, a political party committee, or an agent of any of the foregoing." Here, the Complaint fails to present any evidence that Respondents directly coordinated with HMP regarding the independent expenditure. Further, the Complaint fails to support its allegation that the Club served as a "conduit of prohibited coordination information" with any evidence that a member of the Club became an agent of the Respondents or qualified as a political party committee. Accordingly, the Commission should find no reason to believe that Respondents violated the Act and dismiss this matter immediately.

## I. Facts

Alex Sink for Congress was the principal campaign committee of Alex Sink, who ran for Congress in Florida's 13th District in the special election on March 11, 2014. Ms. Sink's opponent in the race was David Jolly.

According to publicly available information, in February 2014, HMP aired an independent expenditure television advertisement referring to David Jolly.<sup>1</sup> The ad featured two residents of the 13th District, Rod and Elizabeth Snedeker, discussing their reliance on Social Security and expressing concern at troubling aspects of David Jolly's record and past statements about the federal program. News reports confirm that Mr. Snedeker, a former minister, and Mrs. Snedeker, a retired piano teacher, are both in their 80s and are both active members of the Club.<sup>2</sup> The Club is a local party organization that is not currently registered with the FEC as a district or local party committee.

## II. Legal Analysis

The Complaint does not allege that Respondents communicated directly with HMP regarding the independent expenditure. The Complaint simply states that Respondents spoke briefly at a Club meeting, and then asks the Commission to take a giant leap forward and assume that this presentation resulted in Respondents' prohibited coordination with HMP.

The Commission's coordination standard only applies to communications that are coordinated with "a candidate, an authorized committee, a political party committee, or an agent of any of the foregoing."<sup>3</sup> For purposes of these rules, an individual must have actual authority to engage in any of a set of specified activities on behalf of a candidate's authorized committee to qualify as an agent.<sup>4</sup> Specifically, an agent must have the authority to (1) request or suggest that a communication be created, produced, or distributed; (2) make or authorize a communication that meets one or more of the content standards set forth in 11 C.F.R. § 109.21(c); (3) request or suggest that any other person create, produce, or distribute any communication; (4) be materially involved in decisions regarding various aspects of the communication's content, form and distribution; (5) provide material or information to assist another person in the creation, production, or distribution of any communication; or (6) make or direct a communication that is created, produced, or distributed with the use of material or information derived from a substantial discussion about the communication with a candidate.<sup>5</sup> If an individual or entity does not have such authority, then the individual or entity is not an agent of the candidate's authorized committee, and any communication resulting from the individual or entity's request, suggestion, direction, or material involvement is not a coordinated communication.

<sup>1</sup> House Majority PAC, *We Saw*, YouTube (Feb. 14, 2014), [https://www.youtube.com/watch?v=jGLkm\\_hFunA](https://www.youtube.com/watch?v=jGLkm_hFunA).

<sup>2</sup> Alex Leary, *About that Senior Couple in Democratic Ad Attacking Jolly*, The Buzz (Feb. 17, 2014), <http://www.tampabay.com/blogs/the-buzz-florida-politics/about-that-senior-couple-in-democratic-ad-attacking-jolly/2166011>.

<sup>3</sup> 11 C.F.R. § 109.21(a). While the Complaint asserts that the Club is a political party committee, publicly available information suggests it is actually an unregistered local party organization, and is therefore not subject to the coordination rules.

<sup>4</sup> *Id.* § 109.3.

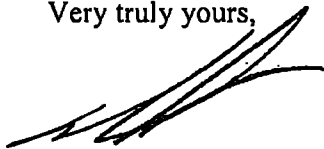
<sup>5</sup> *Id.* § 109.3(b)(1)-(6).

The Commission may find "reason to believe" only if a complaint sets forth specific facts which, if proven true, would constitute a violation of the Act.<sup>6</sup> Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation.<sup>7</sup> The Complaint presents no evidence that the Snedekars, or anyone associated with the Club, had any of the authority required under the Commission's regulations to demonstrate agency for purposes of the coordination rules. Instead it simply relies on the fact that Respondents made a presentation to the Club as evidence of agency, which is clearly insufficient. Further, the Complaint does not provide any evidence that the Snedekars even attended the Club meeting when the Respondents made a presentation, or had any other involvement or interaction with Respondents or their agents. In fact, Respondents had no interaction with the Snedekars and were not aware of their participation in the Club or the HMP independent expenditure until after it was on the air.

The Complaint's assertion that the Club acted as a "conduit of prohibited coordinating information" is baseless; neither the Snedekars, the Club itself, nor other members of the Club had the authority to engage in any activity on behalf of Respondents. Any involvement that the Snedekars or the Club had in any HMP independent expenditures must have been in some other capacity, and therefore cannot, under the Commission's regulations, result in coordination with Respondents.

For the foregoing reasons, the Commission should find no reason to believe that Respondents violated the Act and dismiss this matter immediately.

Very truly yours,



Marc Erik Elias  
Kate Sawyer Keane  
Danielle Elizabeth Friedman

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<sup>6</sup> See *id.* § 111.4(d).

<sup>7</sup> See Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec. 21, 2001).